

REMARKS

The specification has been amended to address the Examiner's objections by correcting "venture" to "venturi" and "orpheus" to "opening." Also, "devise" has been corrected to "device" and "services" to "serves as."

The Examiner has rejected the Claims of the application, Claims 1-3, as failing to define the invention. Claims 1-3 have been cancelled and rewritten as new Claims 4- 23.

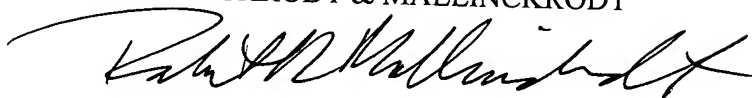
The Examiner has rejected Claims 1-3 as anticipated by Lucian and by Braks et al., both of which show vacuum devices powered by compressed air. New Claim 4 recites "an elongate handle secured to the canister and extending above the top end of the canister by which the canister can be held and manipulated" and "a vacuum intake pipe secured to the canister and extending below the bottom end of the canister." New Claim 23 recites "an elongate handle extending from the top end of the canister by which the canister can be held and manipulated" and "a vacuum intake pipe extending through the bottom end of the canister." None of the cited art shows a compressed air vacuum with these features. The various vacuum devices shown have their vacuum intake pipes extending from the side or top of the device, and if they have a handle, it is not elongate and merely provides a handhold at the top of the device as shown in Braks et al. The vacuum devices shown are basically in the form of canister vacuums. With applicant's elongate canister, elongate handle extending above the top end of the canister and his vacuum inlet pipe extending below the bottom end of the canister, applicant's vacuum device becomes an upright type of vacuum cleaner rather than a canister type of vacuum cleaner. This is not suggested by the art cited.

Please note the enclosed Power of Attorney to the undersigned.

Please charge any fees due to deposit account 13-1175 of the undersigned.

Respectfully,

MALLINCKRODT & MALLINCKRODT

A handwritten signature in black ink, appearing to read "Robert R. Mallinckrodt", written over a horizontal line.

Robert R. Mallinckrodt
Attorney for Applicant
Registration No. 26,565
Customer No. 27469

October 13, 2003

Salt Lake City, Utah

E:\General\My Documents\Patents\643 Smith\002 amend.wpd